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### Gracchi Redivivi

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## The Edinburgh Legal History Blog

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### Gracchi Redivivi

Posted on 05/11/2013 by John Cairns

As a schoolboy, your Blogger, no doubt like many readers of this Blog, was taught about the Gracchi and their noble mother Cornelia, daughter of Scipio Africanus. Tiberius and Gaius Gracchus sought land reform in Rome in the late-second century B.C., essentially to redistribute the land in Italy that had become concentrated in a few Senatorial hands. They failed in their aims, and both brothers were killed on separate occasions. Their deaths were part of the events that led up to the terrible blood-letting of the civil wars that eventually resulted in Augustus' establishment of the Empire.

Your blogger is fascinated how the ambition of land redistribution is a constantly recurring theme in history (hopefully usually without the violence associated with the Gracchi, but consider Zimbabwe).

Thus, a number of individuals agitate about the amount of land in Scotland that is owned by relatively few people – that some of them are foreigners causes even more disquiet. For example, just before the opening of the Grouse season, *The Observer* ran a story under the emotive heading “Scotland has the Most Inequitable Land Ownership in the West”, raising the question in your Blogger's mind: what would more “equitable landownership” be? Giving everyone a croft? See <http://www.theguardian.com/uk-news/2013/aug/10/scotland-land-rights> Simply “Googling” “landownership in Scotland” will produce any number of such stories. What is also interesting is the way Scotland has also produced latter-day Gracchi such as Andy Wightman, interestingly described on the website of the Scottish Council for Voluntary Organisations as “Scotland's leading writer on land ownership”, and David Cameron, Chairman of Community Land Scotland, both arguing for land redistribution, usually through the medium of various forms of community ownership.

Devolution and the debate over the coming vote on the continuance of the United Kingdom have given a new impetus to these discussions. Your Blogger rather enjoys them, though he would advise advocates of redistribution to reflect on the views on the topic of that worthy Scot, David Hume. These debates potentially raise fascinating issues in law, since they inevitably focus on potential expropriation of another's property. The language used in the debates can occasionally be intemperate and evocative of old and supposed modern wrongs, and there is considerable emphasis on the use of land for sporting estates. No doubt the aim is to gain the sympathy of those who oppose shooting. A further curiosity is that the debate is often about Highland estates. Scotland, however, has one of the most urban populations in Europe, and this indeed has been the case since the early nineteenth century, with the population concentrated in the Central Belt between the Forth and the Clyde. Landownership is an interesting and perfectly proper subject of political debate; but wonders how many Scots actually care one way or the other. But those who do care do so with a passion worthy of Tiberius and Gaius.

This Blog entry has been prompted by the recent discussion of a variation of this idea of redistribution of property in the ASLH Legal History Discussion List. There has been a debate on the supposed saying of Justice Louis D Brandeis: “We can have democracy in this country or we can have great wealth concentrated in the hands of a few, but we cannot have both.” The concern has been to ascertain whether he in fact said it. Your Blogger does not comment on this, but underlying it is the same thinking as underlay the proposals of the Gracchi. As said above, it is a recurring debate. In the well-known misquotation of Marx, history repeats itself; one hopes neither as farce nor tragedy

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